

Notice of Allowability

Application No.

09/524,310

Examiner

Mussa A. Shaawat

Applicant(s)

BRABERG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/28/2006.
2. ☒ The allowed claim(s) is/are 1-7, 9-28, 30-33, 35 and 61-63.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
m.s.
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on September 20, 2006. Claims 8, 29, 34, 36-60, and 64-65 have been cancelled. Claims 1-7, 9-28, 30-33, 35, and 61-63 are pending examination.

Allowable Subject Matter

2. The following is a statement of reasons for the indication of allowable subject matter:

3. The closest prior art of record are Kahn et al., US Patent No. (6,401,079), Swart et al., US Patent No. (6,347,306), Wada et al., JP406325066A, document identifier JP06325066A.

Kahn et al., discloses Full-featured payroll system functionality includes the automated collection of employee data (e.g., timesheets that can be entered manually or automatically via an interface with time clock devices) and the calculation of employee/contractor income, taxes, and pre-tax and post-tax deductions. The system automatically calculates overtime, imputed income, and paid-time-off benefits, and allocates the sharing of payments for other employee benefit programs between employers and employees, as well as enabling employers to set up custom policies, e.g., for overtime, 401(k) and medical "cafeteria" plans

Swart et al., discloses a computer-implemented method and system for automatically paying employees net pay immediately upon completion of a work segment provides time and attendance, human resource, payroll processing and banking computer systems interconnected via an on-line computer network to calculate

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net pay for each work segment completed the employee, in real-time and immediately upon entry of shift completion information. The system determines gross work segment pay based on the shift completion information and the employee's payment rate for the shift and then computes network segment pay by applying deduction information to the gross work segment pay.

Wada et al., discloses a method and a system for calculating a salary. Which can quickly calculate the salary of each employee through the use of clock data gathered by a time recorder without transferring data by a floppy disk.

82.
3/19/07

The prior art of record does not disclose or suggest "determining punch information which includes information relating to actual times when at least one of the completed shifts begins and finishes, actual time when each sub-shift within the at least one completed shift begins and finishes, and actual times when the employee changes work assignments during the at least one completed shift, each work assignment corresponding to at least one respective sub-shift within the at least one completed shift; determining compensation for employee who begins and finishes work at different times during at least one completed shift, and who has different work assignments during different sub-shifts within the at least one completed shift" as recited in independent claims 1 and 35, and "determining compensation for employee who begins and finishes work at different times during a pay period, and who has different work assignments during different segments within the pay period" as recited in claim 33. For these reasons claims 1, 33, and 35 are deemed to be allowable over the prior art of record, and claims 2-7, 9-28, 30-32, and 61-63 are allowable by dependency.

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Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

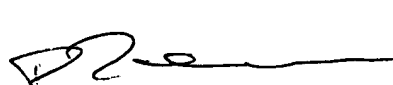
Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A. Shaawat whose telephone number is 571-272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mussa Shaawat
Patent Examiner
March 14, 2007

 3/18/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER